

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOUIS JAMES THIBODEAUX,

Plaintiff,

v.

PAUL H. DANIEL, et al.,

Defendants.

Case No. C22-05708-TL-SKV

ORDER STRIKING MOTION TO
AMEND

Plaintiff proceeds *pro se* in this 42 U.S.C. § 1983 civil rights action. Plaintiff initiated this case on September 22, 2021. Dkt. 1. He filed a motion for leave to proceed *in forma pauperis* (IFP) but indicated in his motion that he was able to afford the filing fee. Dkt. 5. On November 18, 2021, the Court filed an order directing the Plaintiff to pay the filing fee. Dkt. 7. Plaintiff filed the motion to amend, with a proposed amended complaint, on December 6, 2021. *See* Dkt. 8. The Court has since received the filing fee, terminated Plaintiff's motion for leave to proceed IFP, and filed Plaintiff's original complaint. Plaintiff's motion to amend his complaint is now before the Court for consideration.

1 Plaintiff seeks leave to amend his complaint to remove nine of the Defendants named in
2 his original complaint. Dkt. 8. According to Rule 15(a)(1) of the Federal Rules of Civil
3 Procedure,

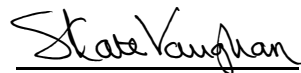
4 A party may amend its pleading once as a matter of course within:
5 (A) 21 days after serving it, or
6 (B) if the pleading is one to which a responsive pleading is required,
21 days after service of a responsive pleading or 21 days after service
of a motion under Rule 12(b), (e), or (f), whichever is earlier.

7 Plaintiff filed the motion to amend and proposed amended complaint prior to service. Further,
8 Plaintiff has not previously amended his complaint. Plaintiff therefore has the right to file the
9 proposed amended complaint as a matter of course and, thus, his motion to amend is
10 unnecessary. Plaintiff is advised that while the Clerk will be instructed to file his amended
11 complaint, his pleading is subject to screening in accordance with 28 U.S.C. § 1915A(a), and the
12 Court will undertake that screening in due course.

13 Accordingly, the Court hereby ORDERS as follows:

- 14 (1) Plaintiff's motion to amend (Dkt. 8) is STRICKEN.
- 15 (2) The Clerk is directed to:
- 16 (a) Docket the proposed amended complaint (Dkt. 8-1) as the amended
17 complaint;
- 18 (b) Send copies of this order to Plaintiff and to the Honorable Tana Lin.

19 Dated this 5th day of January, 2023.

20 

21 S. KATE VAUGHAN
22 United States Magistrate Judge
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